

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DWAYNE JONES,

Plaintiff,

v.

9:12-CV-1745
(GTS/RFT)

DR. AMBER HAWTHORNE, Doctor,
Upstate Correctional Facility,

Defendant.

APPEARANCES:

OF COUNSEL:

DWAYNE JONES, 11-A-1561
Plaintiff, *Pro Se*
Franklin Correctional Facility
62 Bare Hill Road
P.O. Box 10
Malone, New York 12953

HON. ERIC T. SCHNEIDERMAN
Attorney General for the State of New York
Counsel for Defendant
The Capitol
Albany, New York 12224

JOSHUA E. McMAHON, ESQ.
Assistant Attorney General

GLENN T. SUDDABY, United States District Judge

DECISION and ORDER

Currently before the Court, in this *pro se* prisoner civil rights action filed by Dwayne Jones (“Plaintiff”) against the above-captioned New York State correctional employee (“Defendant”), is United States Magistrate Judge Randolph F. Treece’s Report-Recommendation recommending that Plaintiff’s Complaint be dismissed pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute the action or comply with the procedural rules or orders of the Court. (Dkt. No. 29.) Plaintiff has not filed an objection to the Report-Recommendation, and the deadline by

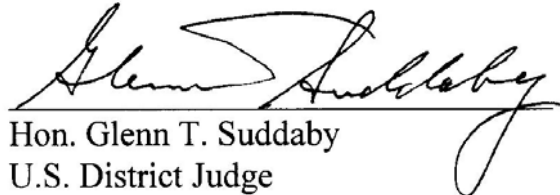
which to do so has expired. (*See generally* Docket Sheet.) After carefully reviewing the relevant filings in this action, the Court can find no clear error in the Report-Recommendation: Magistrate Judge Treece employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Court accepts and adopts the Report-Recommendation for the reasons stated therein. (Dkt. No. 29.)

ACCORDINGLY, it is

ORDERED that Magistrate Judge Treece's Report-Recommendation (Dkt. No. 29) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

ORDERED that Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED** without prejudice pursuant to Fed. R. Civ. P. 41(b).

Dated: June 5, 2014
Syracuse, New York


Hon. Glenn T. Suddaby
U.S. District Judge